

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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**In re**

**RECIPROCAL OF AMERICA (ROA)  
SALES PRACTICES LITIGATION**

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§ **Master File No. 04-MD-1551**  
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**This Document Relates To:**

**Case No. 03-CV-2859**

**Case No. 04-CV-2410**

**Case No. 05-CV-2984**

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**COMMISSIONER LESLIE A. NEWMAN’S RESPONSE AND OBJECTIONS TO  
CHRISTIE CLINIC, P.C., THE SCHUMACHER GROUP, INC., AND DR.  
ROBERT HOWE’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

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To: Daniel J. Pope, Esq.  
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136 West Main Street  
Urbana, Illinois 61801

**COMES NOW** Commissioner Leslie A. Newman, as appointed Liquidator for American National Lawyers Insurance Reciprocal (“ANLIR”), Doctors Insurance Reciprocal (“DIR”) and The Reciprocal Alliance (“TRA”) (collectively referred to as the “RRGs”), by and through her undersigned counsel, and responds to the Christie Clinic, P.C., the Schumacher Group, Inc., and Dr. Robert Howe’s (collectively referred to as the “Doctor Policyholder Plaintiffs”) First Request for Production of Documents pursuant to

Rules 26 and 34 of the FEDERAL RULES OF CIVIL PROCEDURE. The Commissioner responds as follows:

### **GENERAL OBJECTIONS**

Commissioner Leslie A. Newman objects to each and every Request to the extent the same seeks information subject to the attorney/client privilege, work product privilege, statutory privilege, or other privilege recognized under the laws of the state of Tennessee or the United States. In responding to these requests, the Commissioner shall not be deemed to have waived or relinquished such objection or privilege. The Commissioner further objects to and hereby declines to produce any documents which are not relevant or otherwise discoverable under Rule 34 of the FEDERAL RULES OF CIVIL PROCEDURE and any documents which were obtained or prepared in anticipation of litigation or preparation for trial and any documents which are protected from discovery under the laws of the State of Tennessee or the United States.

### **RESPONSE AND OBJECTIONS TO THE SPECIFIC REQUEST**

1. Any and all Documents in your custody or control referring or relating to the Alabama Proceedings, including but not limited to, depositions and exhibits thereto taken in the Alabama Proceedings and documents produced by any party or non-party in this litigation (MDL 1551) or in the Alabama Proceedings.

**RESPONSE:** Objection is made to this request to the extent it seeks documents subject to a Protective Order in the Alabama proceeding the production of which may violate the terms of said Protective Order. Aside from a small class of documents protected by privileges identified in our General Objections, this party has no substantive objection to the production of documents subject to the MDL

**Revised Protective Order.** General Reinsurance Corporation has advised the Doctor Policyholder Plaintiffs and the RRGs of its objections to this request, as well as its intent to file a Motion for Protective Order and to assert grounds that no documents should be produced in response to this request. We will defer to the Court's ruling on the Motion for a Protective Order and will provide responsive documents the Court deems discoverable.

2. All Documents in your custody or control that you received from ROA, TRG, Gen Re, Milliman, PwC, ASL, Witkowski, FVR and/or Wachovia in this litigation (MDL 1551).

**RESPONSE:** Objection is made to this request to the extent it seeks documents subject to a Protective Order in the Alabama proceeding the production of which may violate the terms of said Protective Order. Aside from a small class of documents protected by privileges identified in our General Objections, this party has no substantive objection to the production of documents subject to the MDL Revised Protective Order. General Reinsurance Corporation has advised the Doctor Policyholder Plaintiffs and the RRGs of its objections to this request, as well as its intent to file a Motion for Protective Order and to assert grounds that no documents should be produced in response to this request. We will defer to the Court's ruling on the Motion for a Protective Order and will provide responsive documents the Court deems discoverable.

Respectfully submitted, this the 9<sup>th</sup> day of March, 2010.

/s/Erby J. Fischer  
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Leslie A. Newman

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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 9<sup>th</sup> day of March, 2010, I electronically filed the foregoing with the Clerk of the Court using the ECF system which will send notification of such to the following:

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